

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY HARRELL,

No. C 15-4850 JSW (PR)

Petitioner,

**ORDER TO PAY FILING FEE;  
DENYING LEAVE TO PROCEED  
IN FORMA PAUPERIS**

v.

RON DAVIS, Warden,


(Docket No. 4)

Respondent.

Petitioner, a prisoner of the State of California, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his state conviction. He has applied for leave to proceed in forma pauperis. The prison trust account documents (dkt. # 6) show that he had more than ample funds to pay the \$5.00 filing fee when he filed his petition, to wit: an average monthly balance of \$255 and average monthly deposits of \$53. Within **28 days** of the date this order is filed, Petitioner shall pay the \$5.00 filing fee. His failure to do so will result in the dismissal of this case without prejudice.

IT IS SO ORDERED.

DATED: December 29, 2015

  
JEFFREY S. WHITE  
United States District Judge